

MATTER OF VALENCIA-BARAJAS

In Deportation Proceedings

A-12986073

*Decided by Board August 22, 1969*

A lawful permanent resident alien who during a short trip to Mexico engaged in activities considered criminal by the Immigration and Nationality Act, namely, knowingly and for gain assisted, abetted and aided 2 citizens of Mexico to illegally enter the United States, did not make an innocent, casual and brief trip within the meaning of *Rosenberg v. Fleuti*, 374 U.S. 449, and, hence, upon his return made an entry within the purview of section 101(a)(13) of the Act upon which to predicate a ground of deportation.

CHARGE:

Order: Act of 1952—Section 241(a)(13) [8 U.S.C. 1251(a)(13)]—Prior to entry, knowingly and for gain, encouraged, induced, assisted, abetted or aided any other alien to enter or try to enter the United States in violation of the law:

The respondent, an unmarried male alien, 24 years of age, a native and citizen of Mexico, has been found deportable under section 241(a)(13) in that prior to his entry at San Ysidro, California on February 23, 1968, he knowingly and for gain, encouraged, induced, assisted, abetted or aided two Mexican aliens to enter the United States in violation of the immigration laws. He appeals from an order entered by the special inquiry officer on October 28, 1968 directing his deportation to Mexico on the charge stated in the order to show cause.

The respondent was admitted to the United States as an immigrant at the port of San Ysidro, California on June 28, 1962. He denies the allegations set forth in the order to show cause served upon him on June 24, 1968 that he was admitted to the United States as a returning resident alien on or about February 23, 1968; that prior to this entry, on or about February 20, 1968, he entered into an agreement in Tijuana, Mexico with two aliens.